



Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal/049/POI/2020/4/3


April 18, 2022

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|---|---|
| 1. Haseeb Mushtaq,
S/o. Mushtaq Ahmad,
R/o. House No. 64/3,
Muhammadia Colony, Madina Town,
Faisalabad | 2. Chief Executive Officer
FESCO Ltd,
West Canal Road, Abdullahpur,
Faisalabad |
| 3. Dr. Muhammad Irtiza Awan,
Advocate High Court,
Al-Majeed Centre, 1-Mozang Road,
38-Link Farid Kot Road, Lahore | 4. Sub Divisional Officer,
FESCO Ltd,
Madina Town Sub Division,
Faisalabad |
| 5. POI/Electric Inspector,
Energy Department, Govt. of Punjab,
Opposite Commissioner Office,
D.C.G Road, Civil Lines,
Faisalabad Region, Faisalabad | |

Subject: **Appeal Titled FESCO Vs. Haseeh Mushtaq Against the Decision Dated 21.01.2020 of the Provincial Office of Inspection to Government of the Punjab Faisalabad Region, Faisalabad**

Please find enclosed herewith the decision of the Appellate Board dated 06.04.2022, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above


(Ikram Shakeel)
Deputy Director (M&E)/
Appellate Board

Forwarded for information please.

1. Additional Director (IT) --for uploading the decision on NEPRA website



National Electric Power Regulatory Authority

Before The Appellate Board

In the matter of

Appeal No. 049/POI-2020

Faisalabad Electric Supply Company Limited

.....Appellant

Versus

Haseeb Mushtaq S/o Mushtaq Ahmed, R/o House No.64/3,
Muhammadia Colony, Madina Town, Faisalabad

.....Respondent

**APPEAL UNDER SECTION 38(3) OF REGULATION OF GENERATION,
TRANSMISSION, AND DISTRIBUTION OF ELECTRIC POWER ACT, 1997
AGAINST THE DECISION DATED 21.01.2020 PASSED BY THE PROVINCIAL
OFFICE OF INSPECTION FAISALABAD REGION, FAISALABAD**

For the Appellant:

Dr. Irtiza Awan Advocate
Mr. Waqar Ahmed SDO

For the Respondent:

Mr. Shahid Mehmood Advocate

DECISION

1. Brief facts leading to the filing of instant appeal are that the Respondent is a domestic consumer of Faisalabad Electric Supply Company Limited (hereinafter referred to as 'the FESCO') bearing Ref No.09-13131-2080301-U having sanctioned load of 3 k W under the A-1(a) tariff category. Reportedly, the billing meter of the Respondent became defective with washed display in July 2015, hence it was replaced with a new meter by the FESCO in August 2015 and sent to the Metering and Testing (M&T) FESCO laboratory for checking. As per the data retrieval report of the FESCO, 6,045 units were found uncharged being the difference between the final reading of the removed meter and the units already charged by FESCO as per the last reading. Therefore a detection bill of Rs.146,707/- for 6,045 units was debited to the



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Respondent by the FESCO and added to the bill for February 2016.

2. Being aggrieved, the Respondent initially filed a civil suit before the Civil Judge Faisalabad against the above detection bill on 22.02.2016, which was returned by the honorable Civil Judge vide order dated 29.10.2019 with the direction to the Respondent to approach the Provincial Office of Inspection, Faisalabad Region, Faisalabad (hereinafter referred to as 'the POI'). Accordingly, the Respondent filed a complaint before the POI on 01.11.2019 and assailed the above-referred detection bill. The POI vide the decision dated 21.01.2020 declared the detection bill of Rs.146,707/- for 6,045 units as null and void.
3. FESCO has filed the instant appeal before the NEPRA against the POI decision dated 22.10.2019 (hereinafter referred to as 'the impugned decision'), wherein it is contended that the old meter of the Respondent with the vanished display was replaced with a new meter and sent to M&T laboratory for checking, wherein 6,045 units were found uncharged based on the difference in readings between the last reading already charged and the retrieved data. FESCO further contended that the detection bill of Rs.146,707/- for 6,045 units was charged to the Respondent in February 2016. As per FESCO, the POI did not apply his independent and judicious mind while passing the impugned decision. According to the FESCO, the POI has not thrashed out the consisting reasons of the case and failed to appreciate the pending units retrieved from the defective meter. FESCO submitted that the POI had not adverted the real aspects of the case. FESCO prayed that the impugned decision be set aside.



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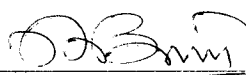
4. Notice of the appeal was sent to the Respondent for filing reply/para-wise comments, which however were not submitted.
5. Hearing of the appeal was held at the NEPRA Regional Office Lahore on 11.03.2022 wherein learned counsel and SDO FESCO appeared for the Appellant and a counsel represented the Respondent. Learned counsel for the FESCO reiterated the same arguments as given in memo of the appeal and defended the charging of the detection bill of Rs.146,707/- for 6,045 units to the Respondent on the plea that the said detection bill was charged on account of pending units as observed during the M&T FESCO checking. Learned counsel for FESCO submitted that the above detection bill was charged as per the provisions of the Consumer Service Manual (CSM). He prayed to allow the above-mentioned detection bill being justified. On the contrary, the learned counsel for the Respondent repudiated the version of FESCO and argued that the removed old meter was neither checked in presence of the Respondent nor it was produced before the POI for verification of alleged pending units. As per learned counsel for the Respondent, the above detection bill was charged on account of balance units whereas the meter remained defective-only for one month i.e. July 2015 and replaced in August 2015. Learned counsel for the Respondent defended the impugned decision and prayed for its maintainability and dismissal of the appeal.
6. Arguments heard and the record examined. It is observed that a detection bill of Rs.146,707/- for 6,045 units was charged by FESCO on the plea of pending units. However, no discrepancy whatsoever was pointed out by the FESCO meter reader during monthly readings before the replacement of the defective meter.




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Moreover, the FESCO neither associated the Respondent during the M&T checking nor produced the defective billing meter before the POI for verification. FESCO could not substantiate its claim that 6,045 units are found uncharged. Moreover, such high consumption charged by the FESCO is not compatible with the sanctioned load i.e. 3 kW of the Respondent. It is further observed that the old meter became defective with vanished display in July 2015 and was replaced by FESCO in August 2015. FESCO charged the bill of July 2015 for the cost of 977 units to the Respondent based on consumption of July 2014 being higher, which is consistent with Clause 4.4 of the CSM. Similarly, the bill of August 2015 was debited on much higher side as compared to the consumption of August 2014 or the average consumption of the last eleven months i.e. August 2014 to June 2015, hence there is no justification to further burden the Respondent by imposing any detection bill. In consideration of the above discussion, we are inclined to agree with the determination of POI that the detection bill of Rs.146,707/- for 6,045 units debited to the Respondent by the FESCO and added to the bill for February 2016 is unjustified and the same is cancelled. FESCO is directed to overhaul the billing account of the Respondent, accordingly.

7. Foregoing in view, the appeal is dismissed and the impugned decision is maintained.


Abid Hussain
Member/Advisor (CAD)


Nadir Ali Khoso
Convener/Senior Advisor (CAD)

Dated: 06.04.2022